



S/N 10/050,237

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant:	David Ben-Eli	Examiner:	Angelica Perez
Serial No.:	10/050,237	Group Art Unit:	2684
Filed:	January 15, 2002	Docket:	884.647US1
Title:	METHOD AND APPARATUS FOR SEARCHING FOR A BASE STATION USING AN ADAPTABLE SEARCH WINDOW		
Assignee:	Intel Corporation	Customer Number:	21186

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**EXAMINER INTERVIEW SUMMARY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

The applicant thanks Examiner Perez for the telephone interview granted on Wednesday, November 16, 2005 between herself and the applicant's representative Mr. Mates (Reg. No. 35,271). The rejection of the pending claims was discussed, and no agreement was reached.

Mr. Mates pointed out that dependent claims 25-29 were rejected under 35 USC §102(e) while the independent claim 24 was rejected under 35 USC §103(a). Claims 25-29 should be rejected with claim 24 under §103(a), and not under §102(e).

Regarding the rejections under 35 USC §103(a), Mr. Mates pointed out that the MPEP requires a suggestion and a reasonable expectation of success for a rejection under 35 USC § 103:

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations."<sup>1</sup>

The suggestion or motivation to combine references and the reasonable expectation of success must both be found in the prior art.<sup>2</sup> The MPEP also states the following:

"If the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious."<sup>3</sup>

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1 MPEP 2143.

2 MPEP 2143.

3 MPEP 2143.01.

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Mr. Mates cited these sections of the MPEP in relation to the specific combinations of Rick, Bayley, and Terasawa made in the final Office Action.


Examiner Perez agreed to issue a new office action as a result of the interview.

Examiner Perez is invited to telephone Applicant's attorney at (612) 373-6973 to facilitate the prosecution of this application. If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

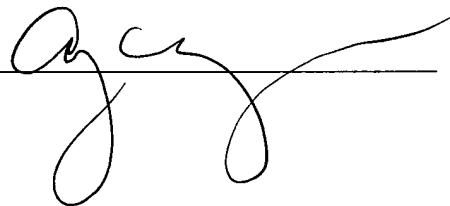
DAVID BEN-ELI

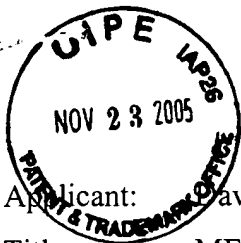
By their Representatives,  
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Attorneys for Intel Corporation  
P.O. Box 2938  
Minneapolis, Minnesota 55402  
(612) 349-9592

Date 21 November 2005 By   
Robert E Mates  
Reg. No. 35,271

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 21st day of November, 2005.

Name Amy Moriarty

Signature 



AF

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Due Date: N/A

Examiner: Angelica Perez

Group Art Unit: 2684

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450


We are transmitting herewith the following attached items (as indicated with an "X"):

☒ Return postcard.

☒ Examiner Interview Summary (2 pgs.).

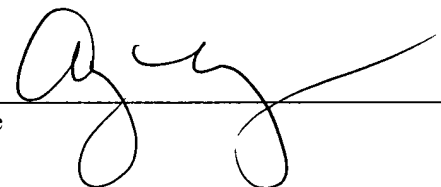
Please consider this a PETITION FOR EXTENSION OF TIME for sufficient number of months to enter these papers and please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
Customer Number 21186

By:   
Atty: Robert E. Mates  
Reg. No.

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Name Amy Moriarty

Signature 

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
(GENERAL)